

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	
		<b>CRIMINAL NO. 03-CR-745-1</b>
<b>v.</b>	<b>:</b>	
		<b>CIVIL NO. 11-CV-5051</b>
<b>JUAN ANTONIO GARCIA-VILLA</b>	<b>:</b>	

**ORDER**

AND NOW, this                      day of                      2011, upon consideration of the Government's Motion for an Extension of Time, it is hereby ORDERED that the Motion is GRANTED and that the Government shall have sixty (60) additional days to file its response to Defendant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. The Government's response to defendant's motion shall be filed on or before **November 9, 2011**.

BY THE COURT:

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HONORABLE J. CURTIS JOYNER  
UNITED STATES DISTRICT JUDGE

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		<b>CRIMINAL NO. 03-CR-745-1</b>
<b>v.</b>	<b>:</b>	
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<b>JUAN ANTONIO GARCIA-VILLA</b>	<b>:</b>	

**MOTION FOR AN EXTENSION OF TIME**

The United States of America, by the undersigned attorney, respectfully moves the Court for a sixty (60) day extension of time to file its response to Defendant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. In support of this motion, the Government avers as follows:

1. On October 4, 2004, the defendant pled guilty to all counts charged against him in the indictment which are as follows:

**Count 1** - Conspiracy to distribute more than 50 grams of cocaine base ("crack"), in violation of Title 21 U.S.C. § 846;

**Count 2** - Distribution of more than 5 grams of cocaine base ("crack"), that is, approximately 27.7 grams, of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(B);

**Count 3** - Aiding and abetting the distribution of more than 50 grams of cocaine base ("crack"), that is approximately 56 grams of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(B), and 18 U.S.C. § 2;

**Count 5** - Aiding and abetting the distribution of more than 5 grams of cocaine base ("crack"), that is, approximately 27.8 grams of cocaine base ("crack"), a Schedule II controlled substance, in

violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(B), and 18 U.S.C. § 2;

**Count 7** - Aiding and abetting the distribution of more than 5 grams of cocaine base (“crack”), that is, approximately 46.1 grams of cocaine base (“crack”), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(B), and 18 U.S.C. § 2;

**Count 8** - Aiding and abetting the distribution of cocaine powder, that is, approximately 51.9 grams of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C), and 18 U.S.C. § 2;

**Count 9** - Aiding and abetting the possession with the intent to distribute heroin, that is, approximately 65.6 grams of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C), and 18 U.S.C. § 2; and

**Count 10** - Illegal re-entry into the United States by an alien who was previously deported, in violation of 8 U.S.C. §§ 1326(a) and 1326(b)(2).

2. On January 4, 2005, this Court sentenced the defendant to 240 months on all counts of conviction to run concurrently.

3. On July 9, 2009, the defendant filed a motion, *pro se*, for retroactive application of sentencing guidelines to crack cocaine offenses. On September 14, 2009, this Court denied the defendant’s motion.

4. On August 9, 2011, the defendant filed a motion, *pro se*, to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255.

5. On August 15, 2011, this Court ordered the Government to file its response on or before September 9, 2011.

6. The government seeks an extension of time of sixty (60) days to respond to the defendant's motion. The appellant's Motion raises four separate grounds for habeas relief, and thus the Government requires significant time to prepare a response. Counsel for the Government is currently preparing another 2255 response that is due to be filed on September 6, 2011. Counsel therefore respectfully requests and additional sixty days (until November 9, 2011) to file the required response.

7. As the appellant is proceeding *pro se*, counsel for the Government has not contacted him regarding his position on this motion. The appellant is serving a sentence of 240 months. Therefore, this requested delay of sixty days will not result in any unfair prejudice to appellant.

WHEREFORE, the Government respectfully requests that the Court grant this motion and enter the attached order for an extension of time of sixty days.

Respectfully submitted,

ZANE D. MEMEGER  
UNITED STATES ATTORNEY

s/Jeanine Linehan  
Jeanine Linehan  
Assistant United States Attorney

DATE: August 31, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for an Extension of Time has been served via First Class Mail upon:

Juan Antonio Garcia-Villa  
Inmate Number 56886-066  
FCI Big Spring - Texas  
Federal Correctional Institution  
Big Spring, Texas 79720

s/Jeanine Linehan  
Jeanine Linehan  
Assistant United States Attorney

Date: August 31, 2011